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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA,

Plaintiff,

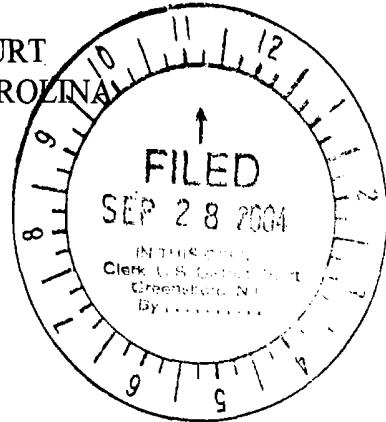
v.

REGINALD ANTHONY FALICE,

and

WILLIE L. COVINGTON, in his
Official Capacity as DURHAM COUNTY
REGISTER OF DEEDS,

Defendants.



COMPLAINT

1:04 CV00878

NOW COMES the Plaintiff, United States of America, through Anna Mills Wagoner, United States Attorney for the Middle District of North Carolina, and brings this action pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202, and the All Writs Act, 28 U.S.C. § 1651, requesting:

(1) that the fraudulent UCC Financing Statement (Government Exhibit (GE) A), and any associated or related documents, filed by Defendant Reginald Anthony Falice in the office of the Register of Deeds, Durham County, North Carolina, on July 20, 2004, recorded in Book 4474 on pages 272-292, and labeled Instrument # 2004037694, (hereinafter "False UCC Financing Statement"), be declared invalid and that Defendant Reginald Anthony Falice who prepared, executed and filed the "False UCC Financing Statement" be declared to have engaged in misconduct with the purpose of harassing and annoying officers and employees of the United States of America;

(2) that the invalid "False UCC Financing Statement" purporting to create a fictitious obligation already filed against officers and employees of the United States be discharged, expunged, and otherwise marked as having no legal effect;

(3) that Defendant Falice be permanently enjoined from preparing and filing, without prior judicial approval, UCC Financing Statements, liens and documents purporting to create an obligation against officers and employees of the United States of America; and

(4) that the Federal and North Carolina Clerks of Court and North Carolina County Registers of Deeds be enjoined from filing such liens and documents prepared or filed by Defendant Falice purporting to create a fictitious obligation.

Jurisdiction and Venue

1. The United States of America brings this action pursuant to 28 U.S.C. §§ 2201-2202 and 28 U.S.C. § 1651. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331 and 1345.

2. Because a substantial part of the events or omissions giving rise to the claims occurred, or a substantial part of the property that is the subject of the action is situated in this district, this Court has jurisdiction to hear this action, and venue here is proper pursuant to 28 U.S.C. § 1391(b)(2).

3. The United States has an interest in protecting its officers, officials, and employees from convicted criminal defendants who file frivolous liens lacking any factual or legal basis for the sole purpose of intimidation and harassment. In fact, "[i]t is now established beyond dispute that the United States may request the assistance of Article III courts to protect its officials from attempts at harassment, intimidation, and extortion in the form of 'liens' commonly filed by tax

protesters and prisoners.” United States v. Barker, 19 F. Supp. 2d 1380, 1383 (S.D. Ga. 1998).

Parties

4. Defendant Reginald Anthony Falice is currently an inmate at USP Lee, Jonesville, Virginia, a Federal Bureau of Prisons facility. Defendant Falice was convicted of interstate domestic violence resulting in bodily injury and death, in violation of 18 U.S.C. §§ 2261(a), 2261(b) and 2266, and using or carrying a firearm during and in relation to murder, in violation of 18 U.S.C. §§ 924(c)(1), 924(j), and 1111, in the United States District Court for the Western District of North Carolina, in case No. 3:98CR244-Mu, a copy of the Judgment is attached as GE B. The United States Court of Appeals for the Fourth Circuit affirmed on appeal, United States v. Falice, 18 Fed. Appx. 210, 2001 WL 1082447 (4th Cir. 2001)(unpub.), a copy of which is attached as GE C. Defendant Falice is listed as the “filer” and purports to be the “Secured Party” or “Lien-Claimant” in the False UCC Financing Statement (GE A), which purports to create \$4,000,000.00 liability in each “Lien-Debtor” and a total of \$42,000,000,000.00 in liability against federal judicial and executive branch officials of the Government of the United States of America.

5. Defendant Willie L. Covington is the Durham County Register of Deeds, and was the Register of Deeds for Durham County at the time Defendant filed or caused to be filed the False UCC Financing Statement. Register of Deeds Covington is named only in his official capacity as Register of Deeds for Durham County, and his inclusion in this lawsuit is necessary to allow the Court to order the False UCC Financing Statement to be expunged from the records of the Register of Deeds, Durham County. Defendant Covington was not involved in any of the fraudulent actions of Defendant Reginald Anthony Falice.

Facts

6. On July 25, 2000, Chief United States District Judge Graham C. Mullen entered a Judgment in a Criminal Case in the case of United States v. Reginald Anthony Falice, Case No. 3:98CR244-Mu (W.D.N.C.), sentencing Defendant Falice to life imprisonment based upon his convictions of interstate domestic violence resulting in bodily injury and death, in violation of 18 U.S.C. §§ 2261(a), 2261(b) and 2266, and using or carrying a firearm during and in relation to murder, in violation of 18 U.S.C. §§ 924(c)(1), 924(j), and 1111. Government Exhibit B, United States v. Reginald Anthony Falice, Case No. 3:98CR244-Mu (W.D.N.C.).

7. The Fourth Circuit affirmed the Judgment of the United States District Court for the Western District of North Carolina, on appeal. United States v. Falice, 18 Fed. Appx. 210, 2001 WL 1082447 (4th Cir. 2001)(unpub.)(copy of which is attached as GE C).

8. Following conviction, while incarcerated, Defendant Falice filed, according to the United States Court of Appeals for the District of Columbia, at least three civil actions or appeals that were frivolous, malicious, or failed to state a claim. As the court explained:

FURTHER ORDERED, on the court's own motion, that appellant's in forma pauperis status be revoked. See 28 U.S.C. § 1915(g). While incarcerated, appellant has brought at least three civil actions or appeals that were dismissed on the grounds that they were frivolous, malicious, or failed to state a claim. See, e.g., Falice v. Smith, No. 03-CV-155 (E.D. Va. Aug. 13, 2003) (dismissing complaint as frivolous); Falice v. Mullen, No. 01-CV-455 (W.D.N.C. Aug. 23, 2001) (dismissing complaint for failure to state a claim, noting that prior suit had been dismissed as frivolous, and imposing sanctions for "continued conduct of filing baseless, seemingly malicious lawsuits"); Falice v. Walker, No. 00-CV-619 (W.D.N.C. Jan. 8, 2001) (dismissing complaint for failure to state a claim). As appellant does not allege that he is in imminent danger of serious physical injury, he is not entitled to proceed in forma pauperis.

Falice v. Mullen, 2004 WL 1249140, *1 (D.C. Cir. 2004), a copy of which is attached as GE D.

9. On January 6, 2004, the United States District Court for the Western District of

Virginia enjoined Defendant Falice from filing "any financing statement or any other type of lien with the Virginia State Corporation commission or any other public agency" without prior approval of that Court. A copy of the injunction is attached as GE E.

10. During July 2004, Reginald Anthony Falice prepared, executed, and caused a UCC Financing Statement to be filed in the office of the Register of Deeds, Durham County, North Carolina, which was recorded in Book 4474 on pages 272-292, and labeled Instrument # 2004037694, (hereinafter "False UCC Financing Statement"), a copy of which is attached as GE A.

11. An examination of the False UCC Financing Statement reveals that it was filed against the prosecutors, judges, and other federal officials involved in his trial, appeal, and incarceration.

12. Defendant Falice was prosecuted by the United States Attorney's Office for the Western District of North Carolina. Defendant Falice lists United States Attorney Mark Calloway, United States Attorney Robert Conrad, Assistant United States Attorney (AUSA) Brian Whisler, and other officials and employees of the U.S. Department of Justice involved in Defendant Falice's prosecution. See GE A. All actions that United States Attorney Mark Calloway, United States Attorney Robert Conrad, Assistant United States Attorney (AUSA) Brian Whisler, and other officials and employees of the U.S. Department of Justice took with regard to Defendant Falice were actions within the scope of their federal duties and in the performance of their federal duties and they were not indebted to Defendant Falice.

13. In his false UCC Financing Statement, Defendant Falice asserts a lien of \$4,000,000.00 against over twenty-five federal judiciary officials and employees who were

involved in cases and appeals involving Defendant Falice, including the following:

<u>Name</u>	<u>Federal Position</u>
Candace Cochran	Clerk's Office, Dist. Ct., WDNC
Betsy Wallace	Clerk's Office, Dist. Ct., WDNC
Beth Mitchell	Clerk's Office, Dist. Ct., WDNC
Judge Robert Potter	District Judge, WDNC
John Corcoran	Clerk, Dist. Ct., WDVA
Judge Samuel Wilson	District Judge, WDVA
Judge Richard Voorhees	District Judge, WDNC
Pamela Stump	Clerk's Office, 4th Cir.
Samreen Ahsan	former employee, Clerk's Office, 4th Cir.
Mark Langer	Clerk, DC Circuit
Elizabeth Paret	Clerk, Dist. Ct., EDVA
Patricia Connor	Clerk, 4th Cir.
Judge Karen Williams	Judge, 4th Cir.
Judge Robert King	Judge, 4th Cir.
Judge Clyde Hamilton	Judge, 4th Cir.
Leonidas Mecham	Director, Administrative Office of the U.S. Courts
Judge Glen Conrad	District Judge, WDVA
Frank Johns	Clerk, Dist. Ct., WDNC
William Suter	Clerk, U.S. Sup. Ct.
Judge Carl Horn	Magistrate Judge, WDNC
Lisa Jernigan	Clerk's Office, 4th Cir.
Judge Rebecca Smith	District Judge, EDVA
Judge Graham Mullen	District Judge, WDNC
Sharon Wiley	Clerk's Office, 4th Cir.
Judge Glen Williams	Senior District Judge, WDVA

During the time of Defendant Falice's prosecution, appeal, and other litigation, all actions taken with regard to Defendant Falice, by the aforementioned federal judges, officials, and employees, were within the scope of their federal duties and in the furtherance of their performance of federal duties, and they were not and never have been indebted to Defendant Falice.

14. Defendant Falice also names numerous Bureau of Prisons (BOP) employees from USP Lee, where he is currently incarcerated, as well as numerous other federal government officials. See GE A. All actions that the BOP and other government officials took with regard to

Defendant Falice were actions within the scope of their federal duties and in the performance of their federal duties and they were not and never were indebted to Defendant Falice.

15. The False UCC Financing Statement (GE A) lists "Reginald Anthony Falice" as the filer. The False UCC Financing Statement purports to create "a minimum \$4,000,000.00" lien against checking accounts, savings accounts, stocks, bonds, mutual funds, wages, pensions, securities, salaries, and many other categories of property. The False UCC Financing Statement is without legal or factual merit and was prepared and filed for the purpose of harassing and intimidating federal government employees and officials.

16. On or about July 20, 2004, Defendant Falice caused the False UCC Financing Statement (GE A) to be filed in the office of the Register of Deeds, Durham County, on July 20, 2004, recorded in Book 4474 on pages 272-292, and labeled Instrument # 2004037694. Defendant Falice filed the aforementioned False UCC Financing Statement for the purpose of harassing and annoying Government officials responsible for the administration of justice.

17. The United States of America and its aforementioned officials do not owe any financial obligation to the Defendant. The False UCC Financing Statement attached as GE A is invalid and fraudulent; it is not executed in accordance with the UCC or law; and it is not signed by the party to be charged with the debt.

18. The United States, its aforementioned officials or employees, individually and collectively, have never consented to the encumbering of their properties by the Defendant, and are not now, nor have they ever been, indebted to the Defendant.

19. Defendant intended, knew or reasonably should have known when preparing, executing and/or filing the False UCC Financing Statement that it would be filed or caused to be

filed in the Clerk's Office or Register of Deeds Office. Defendant filed or caused to be filed the False UCC Financing Statement in retaliation for acts performed by the aforementioned federal officials under their authority as United States agents, officers and employees charged with the investigation, enforcement and adjudication of Federal criminal statutes.

20. The filing of the False UCC Financing Statement was specifically calculated to interfere with the operations of United States Courts and the United States Department of Justice, and the enforcement of the laws of the United States, and to interrupt, hinder, harass, or impede agents, officers and employees of the United States in the discharge of their official duties.

21. The False UCC Financing Statement clouds title, may cloud title, or purports to cloud title, to the properties of the purported debtors listed on GE A, and thereby imposes irreparable harm upon them.

22. The False UCC Financing Statement is without legal basis and is used to harass federal officials in their persons and estates from the performance of their official duties. "Every court to consider the validity of such documents has held them invalid." United States v. Barker, 19 F. Supp. 2d (S.D. Ga. 1998). Such documents cause irreparable injury to Plaintiff United States by impeding, obstructing, and impairing the execution of official duties of its officers, agents, and employees.

Count I - Declaratory Judgment

23. Paragraphs 1 through 22 of this Complaint are incorporated herein by reference as if fully set forth.

24. The Declaratory Judgments Act, 28 U.S.C. §§ 2201-02, provides that the court may declare the rights and other legal relations of interested parties, and may grant further necessary

or proper relief based on such declaration.

25. Based on the foregoing, the United States requests that the Court enter judgment declaring that the False UCC Financing Statement (GE A) and any and all related documents filed or caused to be filed by Defendant, with the Durham County Register of Deeds against all past, present and former federal officials be declared null, void and without legal effect. Defendant Falice knew or reasonably should have known when preparing, executing and/or filing the False UCC Financing Statement that it would be filed or caused to be filed, in the Office or Register of Deeds Office. Defendant Falice filed the False UCC Financing Statement in retaliation for acts performed by the aforementioned federal officials under their authority as United States agents, officers and employees charged with the investigation, enforcement and adjudication of Federal criminal statutes. The filing of the False UCC Financing Statement was specifically calculated to interfere with the operations of United States Courts, the United States Department of Justice, and the enforcement of the laws of the United States, and to interrupt, hinder, harass, or impede agents, officers and employees of the United States in the discharge of their official duties.

Count II - Injunction

26. Paragraphs 1 through 25 of this Complaint are incorporated herein by reference as if fully set forth.

27. The All Writs Act, 28 U.S.C. § 1651 grants the Federal Courts authority to issue all writs necessary or appropriate in aid of their respective jurisdiction and agreeable to the usages and principles of law.

28. The United States requests that the Court order:

a. that Defendant be ordered to immediately remove or cause to remove the False UCC Financing Statement (GE A) and any and all related or associated documents filed with the Durham County Register of Deeds, or anywhere else such liens have been filed;

b. that the Court direct Defendant Willie L. Covington, in his capacity as Durham County Register of Deeds, to expunge from the records maintained in the office of the Durham County Register of Deeds, the False UCC Financing Statement to include any related or associated documents purporting to create liens filed by Defendant Falice against federal officials or employees;

c. that this Court permanently enjoin Defendant Falice from entering, filing or attempting to file, without prior judicial approval, any UCC Financing Statement or other type of purported lien or document purporting to create a fictitious financial obligation against the United States or its agents, officers, employees, or former employees of the United States, and from otherwise attempting to interrupt, hinder or impede agents, officers, employees of the United States in the performance of their official duties; and

d. enjoin North Carolina Clerks of Court and Register of Deeds from accepting for filing documents purporting to establish liens filed by Defendant Falice against the aforementioned federal officials and other federal officials and if such documents are filed and it is brought to the attention of the filing official, that steps be taken immediately to expunge such documents from the record.

Claim for Relief

WHEREFORE, the United States seeks the following relief:

a. that the Court enter judgment declaring that the False UCC Financing Statement

(GE A), to include any related or associated documents filed by Defendant Falice purporting to create liens in any and all present and former federal officials be declared false, fraudulent, and prepared and filed solely for the purpose of harassing and annoying those persons who were responsible for administering justice;

- b. that Defendant Falice be declared to have engaged in misconduct prejudicial to the administration of justice;
- c. that Defendant Falice be ordered to immediately remove or cause to be removed the False UCC Financing Statement, and other related or associated documents, such liens filed with the Durham County Register of Deeds, or anywhere else such liens have been filed;
- d. that the Court direct Defendant Willie L. Covington, in his capacity as Durham County Register of Deeds, to discharge and expunge from the records maintained in the office of the Durham County Register of Deeds, the False UCC Financing Statement and any related or associated documents filed by Defendant Falice against federal officials or employees;
- e. that this Court permanently enjoin Defendant Falice from entering, filing or attempting to file any False UCC Financing Statement, "UCC" or other type of purported lien against the United States or its agents, officers, employees, or former employees of the United States, and from otherwise attempting to interrupt, hinder or impede agents, officers, employees of the United States in the performance of their official duties in any register of deeds office, any clerk of court's office, or any federal clerk of court's office, without express permission of this Court;
- f. that this court enjoin federal and North Carolina Clerks of Court and Register of Deeds from accepting for filing documents prepared by Defendant Reginald Falice against

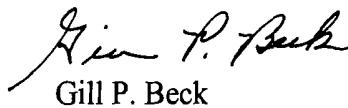
federal officials and if such documents are filed and it is brought to the attention of the filing official, that steps be taken immediately to expunge such documents from the record;

- g. that the United States be granted its costs incurred in the commencement and prosecution of this action including reasonable attorney fees;
- h. that the Court direct that the Clerk of Court send a copy of the Judgment to the Bureau of Prisons and USP Lee for consideration of revocation of Defendant's visitation, and any and all other privileges (e.g., telephone, television, mail, or radio privileges), and to consider whether further disciplinary action should be taken regarding custody designation and other circumstances affecting the terms of Defendant Falice's imprisonment based upon this Court's finding that Defendant Falice has engaged in serious misconduct prejudicing and interfering with the administration of justice, and
- i. that the Court provide any other relief the Court should determine to be fair and equitable so as to prevent Defendant Falice from further harassing federal executive and judicial branch personnel.

This 27th day of September, 2004.

Respectfully submitted,

ANNA MILLS WAGONER
UNITED STATES ATTORNEY


Gill P. Beck
Assistant United States Attorney
NCSB # 13175
P.O. Box 1858
Greensboro, NC 27402
Telephone: (336) 333-5351

ATTACHMENT/EXHIBIT _____

UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS (1) AND (2) CAREFULLY

(1) NAME & PHONE OF CONTACT AT FILED SYSTEM
Reginald Anthony Falice

(2) SEND ACKNOWLEDGMENT TO: (Name and Address)

Reginald Anthony Falice
P.O. Box 305
Jonesville, Virginia near [24263]

FOR REGISTRATION REGISTER OF DEEDS

William L. Covington

DODGE COUNTY NC

2004 JUL 28 09:12:25 AM

BK:4474 PG:272-292 FEE:\$65.00

INSTRUMENT # 2004037694

THE ABOVE INFORMATION IS FOR PLAINVIEW ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME - Insert name of debtor (Do not use initials, nicknames or trade names)

(1) DEBTOR'S EXACT FULL LEGAL NAME

(2) INDIVIDUAL'S LAST NAME

Clemmons

LAST NAME

Jeff

MIDDLE NAME

J

(3) INDIVIDUAL'S ADDRESS

5011 McCormick Rd

CITY

Durham

STATE / POSTAL CODE

NC 27713

COUNTRY

(4) DEBTOR'S EXACT FULL LEGAL NAME - Insert name of debtor (Do not use initials, nicknames or trade names)

(2) DEBTOR'S EXACT FULL LEGAL NAME

(3) INDIVIDUAL'S LAST NAME

Rose

LAST NAME

Terry

MIDDLE NAME

J

(4) INDIVIDUAL'S ADDRESS

212 Bridge Street

CITY

Smithfield

STATE / POSTAL CODE

NC 27577

COUNTRY

(5) DEBTOR'S EXACT FULL LEGAL NAME - Insert name of debtor (Do not use initials, nicknames or trade names)

(2) DEBTOR'S EXACT FULL LEGAL NAME

(3) INDIVIDUAL'S LAST NAME

Falice

LAST NAME

Reginald

MIDDLE NAME

Anthony

COUNTRY

(4) INDIVIDUAL'S ADDRESS

P.O. Box 305

CITY

Jonesville

STATE / POSTAL CODE

VA 24263

COUNTRY

4. THIS FINANCING STATEMENT IS FOR PLAINVIEW ONLY

The cited Lien-Debtors are being liened for a minimum of \$4,000,000.00 by each to the Lien-Claimant (i.e. Secured Party) for agreed amount of \$42,000,000.00. Notice is hereby given that Lien-Debtor(s) has one or more of the following assets or valuable properties and have become a part of and subject to a COMMERCIAL LIEN, TOWIT:

(X) CHECKING ACCOUNTS	(X) MUTUAL FUNDS	(X) JEWELS	(X) PENSIONS
(X) SAVINGS ACCOUNTS	(X) ESCROW ACCOUNTS	(X) JEWELRY	(X) SECURITIES
(X) SAFETY DEPOSITS	(X) CASH	(X) FIREARMS	(X) FUTURE MARKETS
(X) STOCKS/BONDS	(X) PRECIOUS	(X) FURS	(X) REMUNERATION
(X) COLLECTABLES	(X) GOLD	(X) COMMISSIONS	(X) SALARIES
(X) MOTOR VEHICLES	(X) BACES	(X) OPTIONS	(X) cont. (2)

1. ALTERNATIVE DESIGNATION
2. PERSONS REPORTING
3. PERSONS RECEIVING
4. OPTIONAL FINANCING STATEMENT DATA

FILING OFFICE COPY — NATIONAL UCC FINANCING STATEMENT (FORM UCC1) (REV. 07/28/96)



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4TH CIRCUIT CLK
USDC ADMIN

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PAGE 06/25

11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME -

Cochran	Candace	
401 W. Trade St.	Charlotte	NC 28202
Wallace	Batesy	
401 W. Trade St.	Charlotte	NC 28202
McKnight	H.	
401 W. Trade St.	Charlotte	NC 28202
Willey	Sharon	
1100 E. Main St. 501	Richmond	VA 23219
Calkins	S.	
227 W. Trade St. 1700	Charlotte	NC 28202
Moore	H.	
75 Spring St. SW	Atlanta	GA 30303
Mendez	Jake	
P.O. Box 3500	White Deer	PA 17887
Scott	W.	
601 McDonough Blvd., SE	Atlanta	GA 30315
Adams	Mike	
P.O. Box 900	Jonesville	VA 24263
Romine	Donald	
P.O. Box 1000	Lewisburg	PA 17887
Odo	L.	
P.O. Box 3000	White Deer	PA 17887

(2)

11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME -

Reff	David	
P.O. Box 900	Jonesville	VA 24263
Boggs	Jessie	
P.O. Box 900	Jonesville	VA 24263
Harfield	Joyce	
P.O. Box 900	Jonesville	VA 24263
Torres	Rector	
P.O. Box 900	Jonesville	VA 24263
Lane	D.	
P.O. Box 900	Jonesville	VA 24263
Mitchell	Beth	
401 W. Trade St., 204	Charlotte	NC 28202
Potter	Robert	
401 W. Trade St.	Charlotte	NC 28202
Lawson	Jean	
401 W. Trade St.	Charlotte	NC 28202
Rauscher	Claire	
435 E. Morehead St.	Charlotte	NC 28202
Walker	Thomas	
401 W. Trade St.	Charlotte	NC 28202
Conrad	Robert	
401 W. Trade St.	Charlotte	NC 28202

(2)

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PAGE 08/25

11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME -

George	Larry	
P.O. Box 900	Jonesville	VA 24263
Cooper	Greg	
P.O. Box 900	Jonesville	VA 24263
Tracy	T.	
P.O. Box 900	Jonesville	VA 24263
Thurman	Elizabeth	
320 First St. NW	Washington	DC 20593
Qualls	Richard	
P.O. Box 900	Jonesville	VA 24263
Hawkins	Robin	
P.O. Box 900	Jonesville	VA 24263
Pitt	Jackie	
P.O. Box 900	Jonesville	VA 24263
Bondurant	G.	
P.O. Box 900	Jonesville	VA 24263
Strickland	C	
P.O. Box 900	Jonesville	VA 24263
Hebbe	Karen	
P.O. Box 900	Jonesville	VA 24263
Young	Lorraine	
P.O. Box 900	Jonesville	VA 24263

(2)

11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME -

Missouri	William	
P.O. Box 900	Jonesville	VA 24263
Kendall	Dawn	
600 Granby St.	Norfolk	VA 23510
Compton	B.	
P.O. Box 900	Jonesville	VA 24263
Bloom	Lawrence	
515 Fifth St. NW Mid. A.	Washington	DC 20001
McClain	Mike	
P.O. Box 900	Jonesville	VA 24263
Jones	Jessica	
P.O. Box 900	Jonesville	VA 24263
Hardin	T.	
P.O. Box 900	Jonesville	VA 24263
Mollica	Neal	
P.O. Box 900	Jonesville	VA 24263
Thompson	Derrick	
P.O. Box 900	Jonesville	VA 24263
Corcoran	John	
P.O. Box 1234	Roanoke	VA 24006
Wilson	Samuel	
210 Franklin Rd. SW	Roanoke	VA 24011

(2)

11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME -

Fulton	Shirley	
700 E. 4th St.	Charlotte	NC 28202
Campbell	Dawn	
P.O. Box 900	Jonesville	VA 24263
Thurman	Elizabeth	
320 First St. NW	Washington	DC 20593
Sadowski	Henry	
2nd/Chestnut Sta. 7th Flx.	Philadelphia	PA 19106
Romine	Donald	
P.O. Box 1000	Lewisburg	PA 17887
Mendez	Jake	
P.O. Box 3500	White Deer	PA 17887
Adams	Mike	
P.O. Box 900	Jonesville	VA 24263
Whisler	Brian	
227 W. Trade St. 1700	Charlotte	NC 28202
Voorhees	Richard	
200 W. Broad St.	Statesville	NC 28677
Seump	Pamela	
1100 E. Main St. 501	Richmond	VA 23219
Absan	Suzanne	
1100 E. main St. 501	Richmond	VA 23219

(2)

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US ATTY WDVA
4TH CIRCUIT CLK
USDC ADMIN

011
PAGE 11/25

11. ADDITIONAL DEFENDANT'S EXACT FULL LEGAL NAME -

Kelson	John	
935 Pennsylvania Ave. NW	Washington	DC 20535
Moran	Robert	
935 Pennsylvania Ave. NW	Washington	DC 20535
Milkman	Louise	
P.O. Box 4390	Washington	DC 20044
Catbzaec	Ryane	
P.O. Box 4390	Washington	DC 20044
O'Brian	Eileen	
P.O. Box 4390	Washington	DC 20044
McIntyre	Thomas	
1307 New Your, Ave. NW	Washington	DC 20530
Griffin	James	
224 South Dawson St.	Raleigh	NC 27611
Urbina	Ricardo	
333 constitution Ave. NW	Washington	DC 20001
Wade	James	
100 Chestnut St. 306	Harrisburg	PA 17101
Silva	Sydney	
401 W. Trade St.	Charlotte	NC 28202
Langer	Mark	
333 constitution Ave. NW	Washington	DC 20001

11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME -

Mitchell	Beth	
401 W. Trade St.	Charlotte	NC 28202
Wallace	Betsy	
401 W. Trade St.	Charlotte	NC 28202
Farst	Elizabeth	
600 Granby St.	Norfolk	VA 23510
Skinner	Kenneth	
P.O. Box 1620	Carrollton	GA 30112
William	Duffy	
75 Spring St. SW	Atlanta	GA 30303
Briscoe	Deborah	Marie
950 Pennsylvania Ave. NW	Washington	DC 20530
Wood	Angie	
950 Pennsylvania Ave. NW	Washington	DC 20530
Lyon	Robert	
950 Pennsylvania Ave. NW	Washington	DC 20530
Coleman	Jennifer	
P.O. Box 28004	Raleigh	NC 27611
O'Rourke	Marie	
600 E. St. NW 7300	Washington	DC 20530
Little	Suzanne	
600 S. St. NW 7300	Washington	DC 20530

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4TH CIRCUIT CLK
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013
PAGE 13/25

11. ADDITIONAL DEFENDANT'S EXACT FULL LEGAL NAME -

Connor	Patricia	
1100 E. Main St. 501	Richmond	VA 23219
Moore	Thomas	
P.O. Box 629	Raleigh	NC 27602
Cooper	Roy	
P.O. Box 629	Raleigh	NC 27602
Gordon	Neil	
910 17th St., NW 7th Flr	Washington	DC 20006
Lewis	Charles	
910 17th St., NW 7th Flr	Washington	DC 20006
Rush	Meleah	
910 17th St., NW 7th Flr	Washington	DC 20006
Schoeter	Barbara	
910 17th St., NW 7th Flr	Washington	DC 20006
Williams	Karen	
1100 E. Main St. 501	Richmond	VA 23219
King	Robert	
1100 E. Main St. 501	Richmond	VA 23219
Hamilton	Clyde	
1100 E. Main St. 501	Richmond	VA 23219
Marshall	Elaine	
P.O. Box 29622	Raleigh	NC 27626

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014
PAGE 14/25

11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME -

Hatch	Orin	
131 Russell Senate Office Bldg.	Washington	DC 20510
Mecham	Leonidas	
1 Columbus Circle	Washington	DC 20544
Conrad	Glen	
210 Franklin Rd., SW	Roanoke	VA 24011
Wilson	Hazel	
811 E. City Hall	Norfolk	VA 23510
Taich.	Albert	
811 E. City Hall	Norfolk	VA 23510
Sullivan	James	
227 W. Trade St.	Charlotte	NC 28202
Lewis	Patrice	
200 W. Broad St.	Statesville	NC 28677
Leitner	Terry	
200 W. Broad St.	Statesville	NC 28677
Johns	Frank	
200 W. Broad St.	Statesville	NC 28677
Curran	Marcha	
700 E. 4th St.	Charlotte	NC 28202
Suzer	William	
One First St. NE	Washington	DC 20543

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11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME -

Balloway	Mark	
200 West Trade St. 1700	Charlotte	NC 28202
Horn	Carl	
401 West Trade St.	Charlotte	NC 28202
Bakewell	Carolin	
208 Fayetteville Street Mall	Raleigh	NC 27611
Simeon	Fern	
208 Fayetteville Street Mall	Raleigh	NC 27611
Dorsett	James	
208 Fayetteville Street Mall	Raleigh	NC 27611
Lawson	Staney	
1100 East Main St. 501	Richmond	VA 23219
Jeradigan	Lisa	
1100 East Main St. 501	Richmond	VA 23219
Pannell	Charles	
75 Spring St. SW	Atlanta	GA 30303
Black	Miriam	
700 East 4th St.	Charlotte	NC 28202
Smith	Rebecca	
600 Granby St.	Norfolk	VA 23510
Ward	Valarie	
600 Granby St.	Norfolk	VA 23510

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11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME -

Sisk	Avril	
700 E. 4th St.	Charlotte	NC 28202
Dixon	Mary	Alice
P.O. Box 473152	Charlotte	NC 28247
Lucey	Richard	
1123 S. Church St.	Charlotte	NC 28203
Evans	Yvonne	
700 E. 4th St.	Charlotte	NC 28202
Lail	Rick	
725 E. Trade St.	Charlotte	NC 28202
Mullen	Graham	
401 W. Trade St.	Charlotte	NC 28201
Dunne	John	
312 W. Trade St.	Charlotte	NC 28202
Underwood	Ronald	
312 W. Trade St.	Charlotte	NC 28202
Clapp	Jana	
3222 Springs Farm Lane	Charlotte	NC 28226
Walker	Linda	
75 Spring St. SW	Atlanta	GA 30303
Templton	Franklin	Scott
P.O. Box 29622	Raleigh	NC 27626

(2)

11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME -

Hoover	R.	
P.O. Box 3000	White Deer	PA 17887
MacLack	R.	
P.O. Box 3000	White Deer	PA 17887
Frazee	Jeffrey	
P.O. Box 3500	White Deer	PA 17887
Brownlee	John	
P.O. Box 1709	Roanoke	VA 24008
Eckart	Thomas	
P.O. Box 1709	Roanoke	VA 24008
Gronquist	James	
101 North McDowell St. 200	Charlotte	NC 28204
Rusaby	Scott.	
401 West Trade St.	Charlotte	NC 28202
Lawson	Stacy	
1100 East Main St. 501	Richmond	VA 23219
Wiley	Sharon	
1100 East Main St. 501	Richmond	VA 23219
Morgan	Charles	Linwood
101 North McDowell St. 200	Charlotte	NC 28204
Moore	Thomas	
P.O. Box 629	Raleigh	NC 27602

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4TH CIRCUIT CLK
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018
PAGE 18/25

11. ADDITIONAL DEFENDANT'S EXACT FULL LEGAL NAME -

Grump	Linda	
P.O. Box 65640	St. Louis	MO 63166
Duffey	William	
75 Spring St. SW	Atlanta	GA 30303
Baxter	Lori	
600 Gramby St.	Norfolk	VA 23510
Powell	R.	David
75 Spring St. SW	Atlanta	GA 30303
Carroll	James	
600 S. St. NW Rm 7300	Washington	DC 20530
Gettysburg	D.	
10010 Junction Dr. 100-N	Annapolis Junction	MD 20701
Keohane	Thomas	
3800 Camp Creek Pkwy SW	Atlanta	GA 30331
Wong	Annie	
950 Pennsylvania Ave. NW z-3335	Washington	DC 20530
Kovakas	James	
950 Pennsylvania Ave. NW z-3335	Washington	DC 20530
Macare	D.	
601 McDonough Blvd. SE	Atlanta	GA 30315
Patson	R.	
601 McDonough Blvd. SE	Atlanta	GA 30315

(2)

11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME -

Cowin	Brenda	
P.O. Box 900	Jonesville	VA 24263
Woods	M.	
P.O. Box 900	Jonesville	VA 24263
Rupert	Dale	
P.O. Box 900	Jonesville	VA 24263
Cochran	Tom	
P.O. Box 900	Jonesville	VA 24263
Larson	J.	
P.O. Box 900	Jonesville	VA 24263
Banner	W.	
P.O. Box 900	Jonesville	VA 24263
Middleton	C.	
P.O. Box 900	Jonesville	VA 24263
Crum	Connie	
P.O. Box 900	Jonesville	VA 24263
Reed	J.	
P.O. Box 900	Jonesville	VA 24263
Ran	S.	
P.O. Box 900	Jonesville	VA 24263
Schock	Lori	
450 Fifth St. NW	Washington	DC 20549

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PAGE 28/29

11. ADDITIONAL DEBTOR'S REACT FULL LEGAL NAME -

Aucker	D.	
P.O. Box 1000	Lewisburg	PA 17887
Hollenbach	D.	
P.O. Box 1000	Lewisburg	PA 17887
Huff	James	
P.O. Box 900	Jonesville	VA 24263
Deluna	T.	
P.O. Box 900	Jonesville	VA 24263
Anderson	Millie	
P.O. Box 900	Jonesville	VA 24263
Bowles	J.	
P.O. Box 900	Jonesville	VA 24263
Johnson	Bill	
P.O. Box 900	Jonesville	VA 24263
Welch	R.	
P.O. Box 900	Jonesville	VA 24263
Geyer	M.	
P.O. Box 900	Jonesville	VA 24263
Mullins	J.	
P.O. Box 900	Jonesville	VA 24263
Hutchins	S.	
P.O. Box 900	Jonesville	VA 24263

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11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME -

Chambers	W.		
P.O. Box 900	Jonesville	VA	24263
Mead	B.		
P.O. Box 900	Jonesville	VA	24263
Shoemaker	B.		
P.O. Box 900	Jonesville	VA	24263
Matzuka	C.		
P.O. Box 900	Jonesville	VA	24263
Schraiber	M.		
P.O. Box 900	Jonesville	VA	24263
Brandenburg	R.		
P.O. Box 900	Jonesville	VA	24263
Grieve	David		
P.O. Box 900	Jonesville	VA	24263
Story	Bill		
P.O. Box 900	Jonesville	VA	24263
Story	William		
P.O. Box 900	Jonesville	VA	24263
Johnson	William		
P.O. Box 900	Jonesville	VA	24263
Harris	John		Thaddeus
P.O. Box 900	Wise	VA	24293

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11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME -

Williams	Glen	
P.O. Box 398	Abingdon	VA 24212
Fugate	J.	
P.O. Box 900	Jonesville	VA 24163
Duncan	D.	
P.O. Box 900	Jonesville	VA 24163
Varner	Patrick	
P.O. Box 900	Jonesville	VA 24263
Laster	B.	
P.O. Box 900	Jonesville	VA 24263
Smith	R.	
P.O. Box 900	Jonesville	VA 24263
Pries	C.	
P.O. Box 900	Jonesville	VA 24263
Gillley	John	
P.O. Box 900	Jonesville	VA 24263
Webb	John	
P.O. Box 900	Jonesville	VA 24263
Pelizzier	D.	
P.O. Box 900	Jonesville	VA 24263
Hall	A.	
P.O. Box 900	Jonesville	VA 24263

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4TH CIRCUIT CLK
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023
PAGE 23/25

11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME -

Dudley	Julie	
P.O. Box 1709	Roanoke	VA 24008
Arney	M.	
P.O. Box 900	Jonesville	VA 24263
Burchett	S.	
P.O. Box 900	Jonesville	VA 24263

16. ADDITIONAL COLLATERAL DESCRIPTION:

- * Social Security Identification Numbers, in whatever form, format and on whatever medium (i.e. card, plastic, paper, chip, etc.)
- (X) Electronic Chattel Paper - means chattel paper evidenced by a record or records consisting of information stored in an electronic medium
- (X) Certificates of title, inventory, Commercial tort claim, Commodity Account, Collateral, Farm products, Farming operation, Investment Property, Contract for sale, Lease agreement, Lease contract, Household interest, Negotiable Instrument, Note, Securities Account and Uncertificated security
- (X) Chattel Paper - this includes, in any and all forms of "Certificate of Birth," "Certificate of Live Birth," "Standard Certificate of Birth," "Notification of Birth," "Notification of Registration of Birth," "Certificate of Registration of Birth," "Certificate of Birth Registration," or otherwise titled Birth Document - whether county, state, federal or other - either ascribed to or derived from name of any Debtor or based upon above-described description
 - * any and all Driver Licenses of Debtors, both Commercial and non-commercial
 - * Social Security Cards, Social Security Badges
- (X) All Lands, Real Estate, Appurtenances thereto, and ANY and All Rights, Title and/or Interest therein, including but not limited to All Water, Timber, Gas Oil and/or Mineral Rights and Interest of whatever kind or nature whatsoever
- (X) All movable and/or immovable objects, being mechanical and/or electrical, in possession, custody and/or control of the named Lien-Debtor(s)/Defendant(s)
- (X) All PROPERTY of Lien-Debtor(s), Real or personal, Tangible or Intangible, compensation of whatever form and whatever source, within the possession or control of All Lien Debtor(s) and their "ESTATE(S)"

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PAGE 26/25



WILLIE L. COVINGTON
REGISTER OF DEEDS, DURHAM COUNTY
DURHAM COUNTY COURTHOUSE
200 E. MAIN STREET
DURHAM, NC 27701

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Book: RE 4474 Page: 272-292
Document No.: 2004037694
UCC 21 PGS \$65.00

Recorder: SHARON M CEARNE

State of North Carolina, County of Durham

WILLIE L. COVINGTON, REGISTER OF DEEDS

By: Sharon M Cearne
Deputy Register of Deeds

ATTACHMENT/EXHIBIT _____

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UNITED STATES OF AMERICA

V.

REGINALD ANTHONY FALICE
(Name of Defendant)United States District Court
Western District of North CarolinaU.S. DISTRICT COURT
W. DIST. OF N.C.JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

Case Number: 3:98cr244-Mu

James Granquist
Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) _____

pleaded nolo contendere to count(s) _____ which was accepted by the court.

was found guilty on count(s) 1 & 2 _____ after a plea of not guilty.

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Counts</u>
18:2261(a), 2261(b) & 2266	Interstate Domestic Violence Resulting in Bodily Injury and Death	4/21/98	1
18:924(c)(1), 924(j) & 1111	Using or Carrying a Firearm During and in Relation to Murder	4/21/98	2

The Defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The Defendant has been found not guilty on count(s) _____

Count(s) _____ (is)(are) dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the Defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: Redacted

Defendant's Date of Birth: Redacted

Defendant's USM No.: 13754-058

Defendant's Mailing Address:

Redacted

Certified to be a true and correct copy of the original.

U.S. District Court

Frank G. Johns, Clerk

Western District of N.C.

By: *Frank G. Johns*

Deputy Clerk

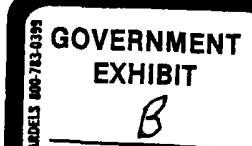
Date: 7-25-00

Date of Imposition of Sentence: 7/25/00

Graham C. Mullen
Signature of Judicial Officer

GRAHAM C. MULLEN
Chief U.S. District Court Judge

Date: 25 July 2000



Defendant: Reginald Anthony Falice
Case Number: 3:98cr244-1-Mu

Judgment-Page 2 of 6

IMPRISONMENT

The Defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of COUNTS 1 & 2: LIFE on each count to run concurrently with each other.

RETURN

I have executed this Judgment as follows:

Defendant delivered on 4/23/04 to MSF Lewisberry at Lewisberry, PA
_____, with a certified copy of this Judgment.

Donald R. Roberts, Jr.
United States Marshal

By _____
Deputy Marshal

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p. 4

Defendant: Reginald Anthony Falice

Case Number: 3:98cr244-1-Mu

Judgment-Page 3 of 6

SUPERVISED RELEASE

Upon release from imprisonment, the Defendant shall be on supervised release for a term of COUNTS 1 & 2: THREE (3) YEARS each count to run concurrently with each other.

The condition for mandatory drug testing is suspended based on the court's determination that the defendant poses a low risk of future substance abuse.

STANDARD CONDITIONS OF SUPERVISION

The defendant shall comply with the standard conditions that have been adopted by this court and any additional conditions ordered.

- 1) The Defendant shall not commit another federal, state, or local crime.
- 2) The Defendant shall refrain from possessing a firearm, destructive device, or other dangerous weapon.
- 3) The Defendant shall pay any financial obligation imposed by this judgment remaining unpaid as of the commencement of the sentence of probation or the term of supervised release on a schedule to be established by the Probation Officer.
- 4) The Defendant shall provide access to any personal or business financial information as requested by the probation officer.
- 5) The Defendant shall not acquire any new lines of credit unless authorized to do so in advance by the probation officer.
- 6) The Defendant shall not leave the Western District of North Carolina without the permission of the Court or probation officer.
- 7) The Defendant shall report in person to the probation officer as directed by the Court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 8) A Defendant on supervised release shall report in person to the probation officer in the district to which he or she is released within 72 hours of release from custody of the Bureau of Prisons.
- 9) The Defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 10) The Defendant shall support his or her dependents and meet other family responsibilities.
- 11) The Defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other activities authorized by the probation officer.
- 12) The Defendant shall notify the probation officer within 72 hours of any change in residence or employment.
- 13) The Defendant shall refrain from excessive use of alcohol and shall not unlawfully purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as duly prescribed by a licensed physician.
- 14) The Defendant shall participate in a program of testing and treatment or both for substance abuse if directed to do so by the probation officer, until such time as the defendant is released from the program by the probation officer; provided, however, that defendant shall submit to a drug test within 15 days of release on probation or supervised release and at least two periodic drug tests thereafter for use of any controlled substance, subject to the provisions of 18:3563(a)(4) or 18:3583(d), respectively.
- 15) The Defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 16) The Defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 17) The Defendant shall submit his person, residence, office or vehicle to a search, from time to time, conducted by any U.S. Probation Officer and such other law enforcement personnel as the probation officer may deem advisable, without a warrant; and failure to submit to such a search may be grounds for revocation of probation or supervised release. The defendant shall warn other residents or occupants that such premises or vehicle may be subject to searches pursuant to this condition.
- 18) The Defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed by the probation officer.
- 19) The Defendant shall notify the probation officer within 72 hours of defendant's being arrested or questioned by a law enforcement officer.
- 20) The Defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the Court.
- 21) As directed by the probation officer, the Defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 22) If the instant offense was committed on or after 4/24/96, the defendant shall notify the probation officer of any material changes in defendant's economic circumstances which may affect the defendant's ability to pay restitution, fines or special assessments.

ADDITIONAL CONDITIONS:

Defendant: Reginald Anthony Falice
 Case Number: 3:98cr244-1-Mu

Judgment-Page 4 of 6

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the Schedule of Payments.

ASSESSMENT	FINE	RESTITUTION
\$200.00	\$	\$8,460.52

RESTITUTION PAYEES	AMOUNT
William Croston, III	\$4,960.52
North Carolina Victims Compensation Commission	\$3,500.00
TOTAL	\$8,460.52

FINE

The above fine includes costs of incarceration, if any, and/or supervision.

The defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

- The court has determined that the defendant does not have the ability to pay interest and it is ordered that:
- The interest requirement is waived.
- The interest requirement is modified as follows:

Defendant: Reginald Anthony Falice
Case Number: 3:98cr244-1-Mu

Judgment-Page 5 of 6

SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

Payment of the total fine and other criminal monetary penalties shall be due as follows:

A. X in full immediately; or

B. \$ immediately, balance due (in accordance with C or D); or

C. not later than ; or

D. in (e.g. equal, weekly, monthly, quarterly) installments of \$ over a period of year(s) to commence days after the date of this judgment. In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, the U.S. probation officer shall pursue collection of the amount due, and may request the court to establish a payment schedule if appropriate 18 U.S.C. §3572.

Special instructions regarding the payment of criminal monetary penalties:

- The defendant shall pay the cost of prosecution.
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments are to be made to the United States District Court Clerk, 401 West Trade St., Rm. 210, Charlotte, NC 28202, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program. All criminal monetary penalty payments are to be made as directed by the court or the probation officer.

This Judgment may contain an order or authorization providing for the Bureau of Prisons or a U.S. Probation Officer to establish an amount or a schedule of payments as to financial obligations imposed in this Judgment. Any such order or permission shall be subject to the ultimate authority of this Court over such a schedule and its implementation.
United States v. Miller, 77 F.3d 71, 77-78 (4th Cir. 1996).

Defendant: Reginald Anthony Falice
Case Number: 3:98cr244-1-Mu

Judgment Page 6 of 6

STATEMENT OF REASONS

- The court adopts the factual findings and guideline application in the presentence report.
- OR
- The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary): Objection 6 is accepted to the extent that paragraph 7 will not be considered for sentencing purposes.

Guideline Range Determined by the Court:

Total Offense Level: 43

Criminal History Category: III

Imprisonment Range: Life to Life

Supervised Release Range: 3 to 5 years

Fine Range: \$ 25,000 to \$ 250,000

- Fine waived or below the guideline range because of inability to pay.

Total Amount of Restitution: \$ 3460.62

- Restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweighs the need to provide restitution to any victims, pursuant to 18 U.S.C. § 3663(a)(1)(B)(ii).
- For offenses that require the total amount of loss to be stated, pursuant to Chapters 109A, 110, 110A, 113A, and 232 of Title 18, restitution is not ordered or nominal restitution is ordered because the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any or some portion of a restitution order in the foreseeable future under any reasonable schedule of payments.
- Restitution is not ordered in an offense against property under Title 18, including any offense committed by fraud or deceit, because the number of identifiable victims is so large as to make restitution impracticable, or because determining complex issues of fact related to the cause or amount of the victim's losses would complicate or prolong the sentencing process to a degree that the requirement to provide restitution to any victim is outweighed by the burden on the sentencing process. 18 U.S.C. §3663A(c)(3).
- Partial restitution is ordered for the following reason(s):

- The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by the application of the guidelines.
- OR
- The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):
- OR
- The sentence departs from the guideline range:
 - upon motion of the government, as a result of defendant's substantial assistance.
 - for the following specific reason(s):
The Court departs to Offense Level Criminal History Category

ATTACHMENT/EXHIBIT _____

18 Fed.Appx. 210
 18 Fed.Appx. 210, 2001 WL 1082447 (4th Cir.(N.C.))
 (Cite as: 18 Fed.Appx. 210, 2001 WL 1082447 (4th Cir.(N.C.)))

Page 2

Briefs and Other Related Documents

This case was not selected for publication in the Federal Reporter.

UNPUBLISHED

Please use FIND to look at the applicable circuit court rule before citing this opinion. Fourth Circuit Rule 36(c). (FIND CTA4 Rule 36(c).)

United States Court of Appeals,
 Fourth Circuit.

UNITED STATES of America, Plaintiff-Appellee,
 v.
 Reginald Anthony FALICE, Defendant-Appellant.

No. 00-4559.

Submitted Aug. 31, 2001.
 Decided Sept. 17, 2001.

Defendant was convicted, after a jury trial in the United States District Court for the Western District of North Carolina, Graham C. Mullen, Chief Judge, of interstate domestic violence resulting in bodily injury and death, and using or carrying a firearm during and in relation to murder. Defendant appealed. The Court of Appeals held that trial judge's allegedly prejudicial remark to jury, that defendant's attorneys were court-appointed, was not reversible error.

Affirmed.

West Headnotes

Criminal Law ~~§~~ 1166.22(2)
 110k1166.22(2)

Trial judge's allegedly prejudicial remark to jury, that defendant's attorneys were court-appointed, was not reversible error, in prosecution for interstate domestic violence resulting in bodily injury and death, and using or carrying a firearm during and in relation to murder.

*210 Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Graham C. Mullen, Chief District Judge. (CR-98-244).

Charles L. Morgan, Jr., Charlotte, NC, for appellant.

Brian Lee Whisler, Office of the United States Attorney, Charlotte, NC, for appellee.

Before WILLIAMS and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

OPINION

PER CURIAM.

**1 Reginald Anthony Falice seeks to appeal his conviction on one count of interstate domestic violence resulting in bodily injury and death, in violation of 18 U.S.C.A. §§ 2261(a), 2261(b), 2266 (West Supp.2000), and one count of using or carrying a firearm during and in relation to murder, in violation of 18 U.S.C.A. §§ 924(c)(1), 924(j), 1111 (West Supp.2000). Falice was convicted after a jury trial and sentenced to life incarceration and thirty-six months of supervised release for each count, to run concurrently. Falice's counsel has filed opening and supplemental briefs in accordance with *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967), raising several issues.

First, Falice asserts he received ineffective assistance of counsel. The record does not conclusively reveal ineffective assistance of counsel. Consequently, this *211 claim cannot be raised on direct appeal. *United States v. King*, 119 F.3d 290, 295 (4th Cir.1997).

Second, Falice asserts the trial court violated federal law in discussing legal matters with trial counsel outside the presence of the jury. No objection was lodged to these discussions. Our review of the transcript reveals that these discussions were not reversible error. Consequently, this claim is without merit. Cf. *United States v. Howard*, 115 F.3d 1151, 1156 (4th Cir.1997); *United States v. Brewer*, 1 F.3d 1430, 1434-35 (4th Cir.1993).

Third, Falice asserts his jury and judge were not impartial. He offers no facts in support of this claim, and our review of the record suggests no impropriety. This claim is without merit. 28 U.S.C. §§ 144, 455, and 1867 (1994).

Fourth, Falice asserts the trial judge made a prejudicial remark to the jury when it stated that his attorneys were court-appointed. The judge's remark was not reversible error. Consequently, this claim is without merit. Cf. *Howard*, 115 F.3d at 1156;

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18 Fed.Appx. 210

(Cite as: 18 Fed.Appx. 210, *211, 2001 WL 1082447, **1 (4th Cir.(N.C.)))

Page 3

Brewer, 1 F.3d at 1434-35.

Fifth, Falice asserts the jury instructions regarding voluntary man-slaughter were improper. However, the jury instructions conformed to the applicable law. Consequently, this claim is without merit. *United States v. Lewis*, 53 F.3d 29, 34-35 (4th Cir.1995).

Sixth, Falice asserts in conclusory terms that the trial court violated common law to the detriment of Falice's due process rights. Nothing in the record reveals the district court violated Falice's due process rights. Consequently, this claim is without merit.

In accordance with *Anders*, we have reviewed the entire record in this case and find no other meritorious issues for appeal. We therefore affirm Falice's conviction and sentence. We deny Falice's counsel's motion to withdraw at this juncture. This court requires that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel

may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client.

**2 We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid in the decisional process.

AFFIRMED.

18 Fed.Appx. 210, 2001 WL 1082447 (4th Cir.(N.C.))

Briefs and Other Related Documents (Back to top)

2001 WL 34108839 (Appellate Brief) Opening Brief of Appellant (Jan. 19, 2001)

00-4559 Docket
(Aug. 08, 2000)

END OF DOCUMENT

ATTACHMENT/EXHIBIT _____

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Only the Westlaw citation is currently available.

United States Court of Appeals, District of Columbia Circuit.

Reginald Anthony FALICE, Appellant
v.
Graham MULLEN, et al., Appellees

No. 03-7085.

June 7, 2004.

Reginald Anthony Falice, United States Penitentiary, Jonesville, VA, pro se.

BEFORE: GINSBURG, Chief Judge, and SENTELLE and RANDOLPH, Circuit Judges.

ORDER

PER CURIAM.

*1 Upon consideration of appellant's brief, the court's order to show cause filed March 5, 2004, the response thereto, and the supplement to the response, it is

ORDERED that the order to show cause be discharged. It is

FURTHER ORDERED, on the court's own motion, that appellant's *in forma pauperis* status be revoked. *See* 28 U.S.C. § 1915(g). While incarcerated, appellant has brought at least three civil actions or appeals that were dismissed on the grounds that they were frivolous, malicious, or failed to state a claim. *See, e.g., Falice v. Smith*,

No. 03-CV-155 (E.D.Va. Aug. 13, 2003) (dismissing complaint as frivolous); *Falice v. Mullen*, No. 01-CV-455 (W.D.N.C. Aug. 23, 2001) (dismissing complaint for failure to state a claim, noting that prior suit had been dismissed as frivolous, and imposing sanctions for "continued conduct of filing baseless, seemingly malicious lawsuits"); *Falice v. Walker*, No. 00-CV-619 (W.D.N.C. Jan. 8, 2001) (dismissing complaint for failure to state a claim). As appellant does not allege that he is in imminent danger of serious physical injury, he is not entitled to proceed *in forma pauperis*. It is

FURTHER ORDERED that appellant pay the \$105 filing and docketing fee to the district court within 30 days of the date of this order. Failure to pay the fee will result in dismissal of the appeal for lack of prosecution. *See* D.C.Cir. Rule 38. It is

FURTHER ORDERED that consideration of appellant's brief be deferred pending further order of the court.

Should appellant, while a prisoner, file an appeal in a civil action in the future, the Clerk is directed to order appellant to show cause why he should not be required to pay the full filing fee pursuant to 28 U.S.C. § 1915(g).

The Clerk is directed to send a copy of this order to appellant by whatever means necessary to ensure receipt.

2004 WL 1249140 (D.C.Cir.)

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ENTERED
1-6-04

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION

CLERK'S OFFICE U.S. DIST.
AT ALEXANDRIA, VA.
FILED

JAN - 6 2003

JOHN F. CORCORAN, CLERK
BY: *J. Shamp*
DEPUTY CLERK

UNITED STATES OF AMERICA, :
Plaintiff, :
v. : Civil No. 2:03CV00157
LORENZO GRODE MARTIN AND :
REGINALD ANTHONY FALICE :
Defendants. :

PRELIMINARY INJUNCTION

For the reasons stated the plaintiff's Memorandum of Law in support of its Motion for A
Preliminary Injunction, it is hereby

ORDERED

that the defendants, Lorenzo Grode Martin and Reginald Anthony Falice, are individually
preliminarily enjoined, without prior approval of this court, from preparing, filing or aiding and
assisting any other person or persons to prepare or file any financing statement or any other type of
lien with the Virginia State Corporation Commission or any other public agency.

It is further

ORDERED

that the U.S. Marshal for this district shall cause a certified copy of this preliminary injunction to be
personally and individually served on Lorenzo Grode Martin and Reginald Anthony Falice.

ENTERED this 6th day of January, 2004.

John F. Corcoran

SENIOR UNITED STATES DISTRICT JUDGE

A TRUE COPY, TESTE:
JOHN F. CORCORAN, CLERK
BY: *J. Shamp*
DEPUTY CLERK

